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SIXTIETH LEGISLATURE

ONE HUNDRED SEVENTH LEGISLATIVE DAY
TUESDAY, APRIL 28, 2009

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Acting Senator Thorson, absent and formally excused by the Chair; and Senator Cameron, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 27, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 28, 2009

The JUDICIARY AND RULES Committee reports that [S 1233](#) has been correctly printed.

DARRINGTON, Chairman

[S 1233](#) was referred to the Finance Committee.

April 27, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1133](#) and [S 1184](#) were delivered to the Office of the Governor at 1:45 p.m., April 27, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 28, 2009

The FINANCE Committee reports out [S 1233](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1233](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 27, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1211](#), [S 1212](#), and [S 1217](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

April 27, 2009

Dear Mr. President:

I return herewith [S 1226](#), [S 1224](#), [S 1229](#), [S 1230](#), [S 1231](#), and [S 1183](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1226](#), [S 1224](#), [S 1229](#), [S 1230](#), [S 1231](#), and [S 1183](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Cameron was recorded present at this order of business.

S 1234

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1235

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1236
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1237
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1238
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1239
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1240
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1241
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES; AMENDING SECTION 3, CHAPTER 392, LAWS OF 2006, TO REVISE A CERTAIN DATE; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1242
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2009; APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING A CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; REAUTHORIZING LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY.

S 1243
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1244
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; REAUTHORIZING LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY.

S 1245
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), [S 1238](#), [S 1239](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), [S 1244](#), and [S 1245](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 28, 2009

The JUDICIARY AND RULES Committee reports that [S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), [S 1238](#), [S 1239](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), [S 1244](#), and [S 1245](#) have been correctly printed.

DARRINGTON, Chairman

[S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), [S 1238](#), [S 1239](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), [S 1244](#), and [S 1245](#) were referred to the Finance Committee.

April 28, 2009

The FINANCE Committee reports out [S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), [S 1238](#), [S 1239](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), [S 1244](#), and [S 1245](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1234](#), [S 1235](#), [S 1236](#), [S 1237](#), [S 1238](#), [S 1239](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), [S 1244](#), and [S 1245](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Goedde, granted by unanimous consent, [H 303](#), as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [S 1232](#), without recommendation, amended as follows:

SENATE AMENDMENT TO S 1232

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 36, delete "Notwithstanding" and insert: "Unless relocation is required pursuant to subparagraph (E) herein, notwithstanding"; in line 40, delete "or to augment the number of"; in line 41, delete "bighorn sheep in existing herds" and insert: "or to augment the number of bighorn sheep in existing herds for the purpose of augmenting existing populations"; on page 3, in line 20, delete "to" and insert: "to"; in line 21, delete "augment" and insert: "augment for the purpose of augmenting"; and delete lines 28 through 42, and insert:

"(E) The Idaho department of fish and game: (1) shall develop a state management plan to maintain a viable, self-sustaining population of bighorn sheep in Idaho which shall consider as part of the plan the current federal or state domestic sheep grazing allotment(s) that currently have any bighorn sheep upon or in proximity to the allotment(s); (2) within ninety (90) days of the effective date of this act will cooperatively develop best management practices with the permittee(s) on the allotment(s). Upon commencement of the implementation of best management practices, the director shall certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable

for the viability of the bighorn sheep. The director's certification shall continue for as long as the best management practices are implemented. The director may also certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep based upon a finding that other factors exist, including but not limited to previous exposure to pathogens that make separation between bighorn and domestic sheep unnecessary."

CORRECTIONS TO TITLE

On page 1, following line 2, insert: "CLARIFY APPLICATION OF CERTAIN PROVISIONS, TO"; in line 3, following "VERBIAGE," insert: "TO REVISE CERTAIN RESTRICTIONS,"; in line 6, following "TO" insert: "SPECIFIED"; in line 8, following "DEPARTMENT," insert: "TO PROVIDE FOR THE DEVELOPMENT OF BEST MANAGEMENT PRACTICES WITH CERTAIN PERMITTEES,".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), [S 1147](#), [S 1087](#), and [H 303](#), as amended in the Senate, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1232](#), as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

President Little called Senator Darrington to the Chair.

April 28, 2009

The JUDICIARY AND RULES Committee reports that [S 1183](#), [S 1224](#), [S 1226](#), [S 1229](#), [S 1230](#), and [S 1231](#) have been correctly enrolled.

DARRINGTON, Chairman

The Acting President announced that Enrolled [S 1183](#), [S 1224](#), [S 1226](#), [S 1229](#), [S 1230](#), and [S 1231](#) will be held at the desk for the signature of the President and, when so signed, will be transmitted to the House for the signature of the Speaker.

April 28, 2009

The JUDICIARY AND RULES Committee reports that [S 1232](#), as amended, has been correctly engrossed.

DARRINGTON, Chairman

[S 1232](#), as amended, was filed for first reading.

April 28, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1232](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

President Little returned to the Chair.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 11:55 a.m. until the hour of 1:30 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 1:30 a.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Bilyeu and Pearce, and Acting Senator Thorson, absent and formally excused by the Chair; and Senators Andreason and Stegner, absent and excused.

Prior to recess the Senate was at the Eleventh Order of Business, Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials.

[S 1232](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Andreason and Stegner were recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1232](#), as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1232](#), as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes (Geddes), Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 26.

NAYS—Andreason, Bilyeu, Herzfeld (Bock), Kelly, LeFavour, Sagness (Malepeai), Schroeder, Werk. Total - 8.

Absent and excused—Thorson (Stennett). Total - 1.

Paired and voting included in roll call:

AYE - Pearce NAY - Bilyeu

Total - 35.

Whereupon the President declared [S 1232](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 2:10 p.m. until the hour of 10 a.m., Wednesday, April 29, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary